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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,091	07/17/2003	Roberto Conti	60,130-1847; 02MRA0353	1079

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EXAMINER

RODRIGUEZ, PAMELA

ART UNIT PAPER NUMBER

3683

DATE MAILED: 10/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/622,091

Applicant(s)

CONTI

Examiner

Pam Rodriguez

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>07/17/03</u>  | 6) <input type="checkbox"/> Other: ____                                     |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. In the IDS filed July 17, 2003 several discrepancies were found in the listing of the foreign references on page 1. In particular, in the first entry of the foreign references, the applicant's name should read –Sakaguchi et al— in order to be consistent with the document provided. The examiner has corrected this informality in pen on the IDS. And in the last entry of the foreign documents, the patent number should read –JP2001165215” in order to be consistent with the documents identified and provided by the applicant. The examiner has also corrected this informality in pen on the IDS.
2. In addition, on page 2 of the IDS, the entry of the International Search Report has been lined through as this type of document is not an appropriate listing for an IDS. However, the documents listed therein have been considered.

### ***Claim Rejections - 35 USC § 112***

3. Claims 3-7 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In the last line of Claim 3, the term “the recess” is indefinite. It is unclear which of the plurality of recesses previously claimed that applicant is referring to here.

Claims 3, 4, 5, 6, 7, and 10 all recite the limitation "the inner vane portions" in the text of the claims. There is insufficient antecedent basis for this limitation in the claims (only one inner vane portion was referenced in Claim 1, from which these claims depend therefrom).

Claim 5 recites the limitation "the grooves" in line 1. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6 and 8-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Patent No. 57208331 to Sakamoto et al.

Regarding Claim 1, Sakamoto et al disclose a brake rotor (see Figure 1) having all the features of the instant invention including: an annular disc 1 connected to an annular mounting flange (see Figure 1 and the mounting flange in which the mounting holes are housed therein), a radially inner flange wall (see Figure 1 and the portions of the flange located directly below the mounting holes in between the grooves of the mounting flange), wherein the inner flange wall has a plurality of circumferentially spaced mounting holes (see Figure 1 and the mounting holes shown therein), a plurality of recesses in the inner flange wall (see the scalloped recess portions located below the

mounting holes), each recess being disposed circumferentially between adjacent mounting holes (see Figure 1), and a plurality of ventilation vanes 2 between opposing braking faces of the annular disc 1 (see the translated abstract), wherein at least one of the vanes (any of vanes 2) includes an inner vane portion extending inwardly of a radially inner edge of the annular disc 1 (see Figure 1 and the lowermost portion of the vane 2 extending down to the recesses).

Regarding Claim 2, see Figure 1.

Regarding Claim 3, see Figure 1.

Regarding Claim 4, see Figure 1 and note the circle that would be formed at the lowermost portions of the vanes 2.

Regarding Claim 5, see Figure 1 and note at least one of the outer side portions of the recesses and how a circle formed through these portions would be of a lesser diameter than a circle diameter drawn through the lowermost edges of vanes 2.

Regarding Claim 6, see Figure 1 and note how a circle diameter drawn through a center of each of the mounting holes would be "substantially the same" as the diameter of the circle defined by the inner edges of the inner vane portions.

Regarding Claim 8, see Figure 1.

Regarding Claim 9, see Figure 1.

Regarding Claim 10, see claim 5 above.

Regarding Claim 11, if an axis is drawn through the top uppermost portion of the mounting flange and an axis is drawn through the center of the disc then the two parts can be said to be "axially offset".

Regarding Claim 12, since the disc 1 and the mounting flange contact one another, these two parts can be said to be "axially overlapping".

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent no. 57208331 to Sakamoto et al in view of Japanese Patent no. 2000240695 to Miyagawa et al.

Regarding Claim 7, Sakamoto et al disclose most all the features of the instant invention as applied above, except for the mounting holes having radially inner edges defining a mounting hole inner edge circle which has a diameter that is less than the diameter of the circle defined by the radially inner edges of the inner vane portions.

Miyagawa et al are relied upon merely for their teachings of a brake rotor (see Figure 2) having mounting holes with radially inner edges (see Figure 2 and the lowermost edges of the mounting holes' inner diameters) which can define a mounting hole inner edge circle which has a diameter that is less than the diameter of a circle drawn through the radially inner edges of the vanes 6.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have constructed the brake rotor of Sakamoto et al so that the

mounting holes have radially inner edges defining a mounting hole inner edge circle which has a diameter that is less than the diameter of the circle defined by the radially inner edges of the inner vane portions as taught by Miyagawa et al as a matter of design preference dependent upon the desired position of the mounting holes relative to the vane portions to achieve the greatest strength properties between these two parts.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,446,770 to Qian et al and U.S. Patent No. 6,796,405 to Ruiz both disclose brake rotors having mounting flange, mounting hole, and vane structures similar to applicant's.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pam Rodriguez whose telephone number is 703-308-3657. The examiner can normally be reached on Mondays 6 am -4 pm and Tuesdays 6 am -12 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on 703-308-3421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3683

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Pam Rodriguez  
Primary Examiner  
Art Unit 3683

10/12/04

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